

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL-JOHN PETCHULAT,

Plaintiff,

vs.

No. 11-CV-124 DJS/RHS

MICHAEL J. ASTRUE,
Commissioner of Social Security,

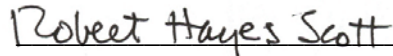
Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY'S FEES
PURSUANT TO EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER comes before the Court on Plaintiff's Motion for Award of Attorney's Fees and Costs Pursuant to Equal Access to Justice Act, 28 U.S.C. §2412 (Doc. 21). The Court considered the Motion, Response (Doc. 22), and relevant law, and grants Plaintiff's Motion. Specifically, the Court grants the motion to award to Plaintiff \$6,640.90 for attorneys fees.

The monetary award is based on this Court's Memorandum Opinion and Order (Doc. 19) and Judgment (Doc. 20), which remanded Mr. Petchulat's case to the Social Security Administration. After the remand, Mr. Petchulat moved for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. 21). Based upon a review of the record in the underlying social security disability benefits case, the position of the Social Security Administration was not substantially justified, the Plaintiff was the prevailing party, and therefore entitled to the award. § 2412(d)(1)(B) and § 2412(d)(2)(H). The Social Security Administration does not object to an award of attorney's fees (Doc. 22).

WHEREFORE, IT IS ORDERED that Plaintiff's Motion for Award of Attorney's Fees Pursuant to Equal Access to Justice Act 28 U.S.C. §2412 (Doc. 21) is granted. The Court grants the motion to award to Plaintiff \$6,640.90 for attorney's fees.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE